

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID C. GIUSTI,

Petitioner,

v.

KEITH FAULDER, et al.,

Respondents.

Case No. [24-cv-06168-JD](#)

**ORDER RE DISMISSAL**

This is a habeas petition filed pro se by a state prisoner. The Court dismissed the amended petition with leave to amend after discussing the deficiencies in the case. The time to amend has passed and petitioner has not filed a second amended petition or otherwise communicated with the Court. Petitioner did file a petition with the Ninth Circuit that transferred the filing to this Court, for whatever consideration was deemed appropriate. Dkt. No. 8 at 1. The petition filed with the Ninth Circuit is similar to the petitions filed in this Court that were dismissed with leave to amend. Petitioner has still not addressed the deficiencies noted by this Court in the prior screening order. This case is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). To continue this case, petitioner must file a second amended petition that addresses the deficiencies noted by the Court. The Clerk is requested to send petitioner a copy of the Court's last screening order (Dkt. No. 7). A certificate of appealability is denied.

**IT IS SO ORDERED.**

Dated: April 30, 2025

  
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JAMES DONATO  
United States District Judge